

**Posted – September 29, 2011**

**REGULAR MEETING OCTOBER 3, 2011**

**TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND**

**The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, October 3, 2011 at 7:00 P.M. (6:00 P.M.- EXECUTIVE SESSION) the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.**

**Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to**

**reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a)**

**(2) Collective Bargaining (Public Works Union), (2) Litigation (HK& S Bid Protest vs. Town of Middletown).**

## **PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address**

**the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

**1. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2011-2012 licensing year. (Requires Advertising for Public Hearing)  
(See attached list)**

## **CONSENT**

**2. Approval of Minutes, re: Regular Meeting, September 19, 2011.**

**3. Email communication from Kathy Silvia, City Clerk, Newport, with enclosure, re: Resolution of City of Newport –Requesting the RI General Assembly to repeal the new tax on local tour operators.**

**4. Email communication from Claire Richards, Chief Legal Officer, Office of the Governor, with enclosure, re: The Department of Navy relinquished its legislative jurisdiction over certain parcels of land in**

**the Town.**

**5. Communication of Steven A. Sette, Town Administrator, Town of Richmond, re: Requesting support in opposing the implementation of tolls on Interstate Route 95.**

**6. Memorandum of Town Administrator, re: Assuming the Duties of Tax Assessor.**

**7. Memorandum of Town Administrator, with enclosures, re: Tax System Abatements – Sewer Maintenance, Tangible – Personal Property.**

**8. Resolution of the Council, re: Tax Abatements – Sewer Maintenance.**

**9. Resolution of the Council, re: Tax Abatements- Tangible – Personal Property.**

**10. Memorandum of Middletown Planning Board Chairman, with enclosure, re: Proposed amendments to the Middletown Zoning Ordinance, Section 603, 605, 1102 & 1302. (Requires Advertising for Public Hearing)**

**11. (Continued from Regular Meeting, September 6, 2011)  
(Continued from Regular Meeting, July 18, 2011)**

**Memorandum of Town Administrator, with enclosures, re: RIDEM Draft Agreement for Third Beach Boat Ramp Funding. (At the request, of the Administration item will be continued to November 21, 2011 Regular Meeting of the Council)**

**12. Beach Commission Minutes, re: Public Hearing on Third Beach Boat Ramp Improvements.**

## **PUBLIC HEARINGS**

**13. (Continued from Regular Meeting, September 6, 2011; Abutters Notified)**

**(Continued from Regular Meeting, August 15, 2011; Abutters Notified)  
Public Hearing (Advertised; Abutters Notified)**

**An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, reclassification of Lots 8, 9 and 10, TAP 111 from Light Industrial Traffic Sensitive (LIA) to General Business A (GBA) and Lot 9A on TAP 111 from Light Industrial (LI) to General Business (GB). (Planning Board recommendation attached)**

**14. (Public Hearing Advertised; Abutters Notified)**

**An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in amendment to the Town Code of the Town of**

**Middletown, Chapter 152, Zoning Code, reclassification of Lot 758, TAP 114 from Limited Business/Traffic Sensitive (LBA) and Residential-20 (R-20) to Limited Business/Traffic Sensitive (LBA). (Planning Board recommendation attached)**

**15. (Public Hearing Advertised; Abutters Notified)**

**An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, reclassification of Lot 7, TAP 104 from Traffic Sensitive Medium Density Residential (R-20A) to residential multi-family, traffic sensitive (RMA). (Planning Board recommendation attached)**

**16. (Public Hearing Advertised)**

**Transportation Improvement Program (TIP) - Prioritizing approved Town Projects for the FFY 2013-2016 submission to the State Planning Council.**

**LICENSES**

**17. Application of Paul C. Graf, Middletown, for a Private Detective License for the 2011-2012 licensing year. (NEW)**

**OTHER COMMUNICATIONS**

**18. Communication of Theresa Coish, Library Director, with enclosures, re: Requesting approval to initiate a community project.**

## **COMMUNICATIONS OF TOWN COUNCIL**

**19. Memorandum of Councillor VonVillas, re: Library Facilities – Update.**

**20. At the request of Councillor Silveira, Resolution of the Council, re: Requesting the RI General Assembly to repeal the new tax on local tour operators.**

## **COMMUNICATIONS TOWN ADMINISTRATOR**

**21. Resolution of the Council, re: Endorsing the West Main/Coddington Development Center Master Plan.(Council received final report on September 19th;final report is on the Town website within the Planning Department)**

**22. Memorandum of Town Administrator, with enclosures, re: Pension Trust Fund Investment Advisory Services Agreement.**

**23. Resolution of the Council, re: Approving Pension Trust Fund Investment Advisory Services Agreement.**

**24. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Proposal for Additional Environmental Consulting, Wastewater Services for the Town of Middletown Collection System Inflow Investigation: Smoke Testing Field Program.**

**25. Resolution of the Council, re: Award of Contract – Proposal for Additional Environmental Consulting, Wastewater Services for the Town of Middletown Collection System Inflow Investigation: Smoke Testing Field Program.**

**26. Memorandum of Town Administrator, with enclosures, re: 2011 John Deere 410J Backhoe.**

**27. Resolution of the Council, re: Approval of purchase for a 2011 John Deere 410J Backhoe.**

## **APPOINTMENTS OF BOARDS AND COMMITTEES**

**28. Email communication of Ned Mulligan, re: Resignation from the Middletown Substance Abuse Task Force.**



**Wendy J.W. Marshall, CMC**

**Town Clerk**

**This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.**